

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Rock Ferrone and Rock Airport )  
of Pittsburgh, L.L.C. )  
Plaintiff, ) Civil Action No. 05-0484  
v. ) Chief Judge Ambrose/  
DAN ONORATO, individually and ) Magistrate Judge Sensenich  
officially, DENNIS DAVIN, )  
individually and officially, )  
MAURICE STRUL, individually )  
and officially, ALLEGHENY )  
COUNTY, REDEVELOPMENT AUTHORITY )  
OF ALLEGHENY COUNTY, BRIAN D. )  
CLARK, BRIAN D. CLARK AND )  
ASSOCIATES, MICHAEL YABLONSKI, )  
KEVIN MCKEEGAN, MEYER, UNKOVIC )  
& SCOTT, L.L.P., ALFRED A. KUEHN, )  
and MANAGEMENT SCIENCE )  
ASSOCIATES, INC. )  
Defendants. )  
)

**MEMORANDUM ORDER**

Defendants Brian D. Clark and Brian D. Clark & Associates (Clarks) filed a Motion for More Definite Statement to which the Plaintiffs responded, and Defendants Dr. Alfred A. Kuehn (Dr. Kuehn) and Management Science Associates, Inc (MSA) have filed a motion to dismiss or in the alternative for a more specific complaint together with a memorandum of law to which Plaintiffs have responded.

In response to Defendants' motions, Plaintiff note that in Alston v. Parker, 363 F.3d 229 (3d Cir. 2004) the Court of Appeals recognized that Leatherman v. Tarrant County

Narcotics Intelligence & Coordination Unit, 507 U.S. 163 (1993) held that the holding by some courts that civil rights cases were held to a heightened pleading requirement was contrary to the notice pleading standard of Rule 8(a) of the Federal Rules of Civil Procedure. Rule 8(a) requires:

- (1) a short and plain statement of the grounds upon which the court's jurisdiction depends...
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and
- (3) a demand for judgment for the relief the pleader seeks.

Fed.R.Civ.P. 8(a) (2005).

The problem with Plaintiff's complaint here is that it is so vague and conclusory that it does not give Defendant Clarks, Dr. Kuehn and MSA sufficient notice of the claims against them to be able to draft a responsive pleading. It is further noted that Rule 9(g) of the Federal Rules requires that "[w]hen items of special damages are claimed, they shall be specifically stated." Fed.R.Civ.P. 9(g).

Therefore, the following order is entered:

AND NOW , this 5th day of August 2005,

IT IS HEREBY ORDERED that the Motion for a More Definite Statement filed by Brian D. Clark and Brian D. Clark and Associates is granted and on or before September 2, 2005 Plaintiff shall file a more definite complaint relating to these Defendants as follows:

As to Count IV:

1. The contractual relation or potential contractual relation which existed between plaintiffs and a third party;
2. the identity of that third party;
3. the purposeful action that was taken by the Clark Defendants which was specifically intended to prevent the contractual relation or potential contractual relation from occurring.

As to Count V:

1. The text and content of the allegedly false and disparaging remarks;
2. The time and the place of allegedly false and disparaging remarks were communicated; and
3. The recipient of the allegedly false and disparaging remarks.

As to Count VII:

1. The actions taken by the Clark Defendants in furtherance of the conspiracy;
2. the actions taken by any other parties in furtherance of the conspiracy;
3. The period of time during which the conspiracy occurred.

As to Counts IV, V and VII, Each Plaintiff shall specifically identify any items of special damages they claims they have suffered.

IT IS FURTHER ORDERED that the Motion to Dismiss, or in the alternative for More Definite Statement filed by Dr. Kuehn and MSA is granted, in that on or before September 2, 2005 Plaintiffs shall file a more specific complaint identifying their claims against Dr. Kuehn and MSA.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Dr. Kuehn and MSA is Struck as Moot, as is Defendants' Clark's Joinder in Motions to Dismiss filed at Docs. #12, 18 and 20.

/S/ IJS

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ILA JEANNE SENSENICH  
United States Magistrate Judge

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